



A32130 072396.0162

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aldo T. Iacono

Serial No. : 09/244,792 Art Unit: 1617

Filed : February 5, 1999 Examiner: Travers, R.

For : USE OF AEROSOLIZED CYCLOSPORINE FOR PREVENTION AND  
TREATMENT OF PULMONARY DISEASE

**LETTER ACCOMPANYING PETITION TO REVIVE**

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

October 13, 2004

Date of Deposit

Rochelle K. Seide

Attorney Name

Signature

32,300

PTO Registration No.

October 13, 2004

Date of Signature

**Mail Stop Petition**

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully petitions to revive the above-captioned application in accordance with 37 C.F.R. § 1.137(b).

The above-captioned application was the subject of a Notice of Non-Compliant Amendment mailed February 9, 2004 and received by Baker Botts on February 13, 2004. The due date for filing a response was March 9, 2004. A Notice of Abandonment mailed August 25, 2004, was received on August 30, 2004. Applicant hereby avers that this delay in paying the Issue Fee was entirely unintentional. This unintentional error passed unnoticed due to a

docketing discrepancy. Applicant respectfully requests that this Petition to Revive Application be granted.

Enclosed is a check in the amount of \$665.00 for the fee for this Petition fee as required under 37 C.F.R. § 1.17(m). Applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit any overpayments made, to Deposit Account 02-4377. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
BAKER BOTTS L.L.P.



*Rochelle K. Seide*  
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JFW DAC  
A

# BAKER BOTTS LLP

## PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)  
A32130 072396.0162

First named inventor: Iacono

Application No.: 09/244,792

Art Unit: 1617

Filed: February 5, 1999

Examiner: Travers, Russell, S.

Title: USE OF AEROSOLIZED CYCLOSPORINE FOR PREVENTION AND TREATMENT OF  
PULMONARY DISEASE

Attention: Office of Petitions  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

### APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 685 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Response to Notice of Non-compliant Amendment (identify type of reply):

has been filed previously on \_\_\_\_\_.

is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_.

is enclosed herewith.

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10/19/2004 HAL111 00000026 024377 09244792

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### 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

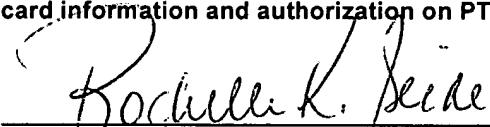
### 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

October 13, 2004

Date

Telephone  
Number: 212-408-2500



Signature

Rochelle K. Seide

Typed or printed name

Baker Botts L.L.P., 30 Rockefeller Plaza

Address

New York, NY 10112

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

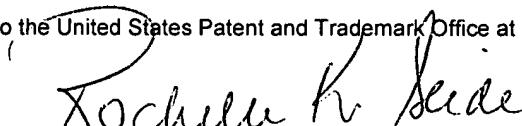
I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

October 13, 2004

Date



Signature

Rochelle K. Seide

Type or printed name of person signing certificate